

REMARKS

Claims 21-34 were pending in this application. By the present communication, an amendment to the paragraph of the Specification beginning on page 20 at line 18 is presented to remove a previous amendment that the Examiner alleges constitutes new matter. In addition, claims 24 and 25 have been cancelled without prejudice, and claims 26-28, 31, 33 and 34 amended to recite Applicants' invention with greater particularity. Upon entry of the amendments, claims 21-23, and 26-34 will remain pending. The amendments add no new matter, being fully supported by the original specification and claims. Accordingly, claims 21-23, and claims 26-34 are currently pending in this application.

The Rejection under 35 U.S.C. § 112, First Paragraph

Applicants traverse the rejection of claims 24-34 under 35 U.S.C. § 112, first paragraph as allegedly including insufficient description to reasonably convey to those of skill in the art that Applicants were in possession of the claimed subject matter at filing of the application. In the Office Action the Examiner alleges that the specification provides no basis or support for the cooling step in claim 24. Claims 24 and 25 have been cancelled without prejudice by an amendment contained in this Response, thus rendering moot the rejection of claims 24 and 25. Further the Examiner has alleged that Applicants' attempt to correct an error on page 20 that was introduced during translation of the U.S. application from the original Japanese to English introduces new matter. The Examiner requires cancellation of the alleged new matter in response to the Office Action. Accordingly, by the present amendment Applicants have requested a further amendment to page 20 to delete the phrase "for the completion of crystallization" to restore the paragraph to its original wording.

Thus the paragraph at issue now begins:

When crystallization steps are performed continuously, it is also possible to obtain larger crystals by feeding a homogeneously dissolved solution, or a liquid in which crystals have partially begun to deposit, into a crystallization slurry vessel,

the temperature of which is pre-adjusted to a scheduled temperature, to thereby allow the growth of L-aspartic acid crystals in the crystallization slurry vessel.

Applicants disagree with the Examiner's assertion that the language of claim 24 is not consistent with a "continuous process wherein other conditions such as temperature and residence time are required" (Office Action, page 3). On the contrary, Applicants require both a fixed molar ratio of fumaric acid to heated ammonium L-aspartate solution and a preselected (i.e., fixed) temperature in the mixing vessel:

adding fumaric acid in the form of dry crystals, moisture-containing crystals, or an aqueous suspension to the heated ammonium L-aspartate solution in a molar ratio of 0.4 to 0.8 to the total molar amount of ammonium L-aspartate and ammonium fumarate contained in the ammonium L-aspartate solution to form a resultant mixture and applying a shearing force to the resultant mixture, while maintaining the temperature between 50°C and 130°C to obtain a homogenous solution.

In addition, Applicants submit that the requirement regarding cooling in claim 24 is fully consistent with a continuous process. It is perfectly consistent with continuous processing that the homogeneous solution be continuously passed through a cooling zone at a "preselected" temperature in the range from 50°C to 130°C, a temperature suitable to allow crystallization of L-aspartic acid.

However, to advance prosecution and reduce the issues, Applicants have cancelled claims 24 and 25 without prejudice. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, First Paragraph.

Applicants respectfully request entry of the amendments to the Specification and claims contained herein. With this Response, Applicants believe that all issues raised in the Final Office Action have been overcome. The Examiner is urged to reconsider and withdraw the various grounds set forth in the Office Action, and to pass the claims to allowance.

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If the Examiner would like to discuss any of the issues raised in the Office Action, Applicants' representative can be reached at (858) 677-1456.

Regarding the Information Disclosure Statement

Applicants note that an Information Disclosure Statement (IDS) was mailed January 13, 2003, in connection with the subject application. However, an initialed copy of the form PTO-1449, indicating that the reference cited therein was considered by the Examiner has not been received. Applicants respectfully request that the Examiner return an initialed copy of the for PTO-1449 mailed January 13, 2003, with the next Communication in this case. The Examiner is invited to contact Applicants' undersigned representative if copies of the IDS and cited reference are not readily available.

Respectfully submitted,

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